



*Section 4*

PATENT  
Attorney Docket No.: DIVER1280-17

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Short, et al. Art Unit: 1645  
Serial No.: 09/975,036 Examiner Unassigned  
Filed: October 10, 2001  
Title: HIGH THROUGHPUT OR CAPILLARY-BASED SCREENING FOR A  
BIOACTIVITY OR BIOMOLECULE

**BOX MISSING PARTS**  
Commissioner for Patents  
Washington, D.C. 20231

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**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Sir:

In response to the Notice to File Missing Parts of Application mailed November 15, 2001, enclosed are:

1. A copy of the Notice to File Missing Parts of Application (2 pages);
2. An executed Declaration for Patent Application (3 pages);
3. A Power of Attorney by Assignee (2 pages);
4. Substitute drawings (27 pgs.);
5. Petition for Extension of Time (2 pages);
6. Check in the amount of \$55.00; and
7. Check in the amount of \$3146.00

Response to Sequence Listing is concurrently being filed under separate cover.

Applicants claim small entity status in the above-identified application. Pursuant to 37 C.F.R. § 1.27, a verified statement claiming small entity status is not required.

**CERTIFICATION UNDER 37 CFR §1.8**

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on February 15, 2002, in an envelope addressed to: BOX MISSING PARTS, Commissioner for Patents, Washington, D.C. 20231

*Lisa Corrales*  
\_\_\_\_\_  
Lisa Corrales

In re Application of:  
Short, et al.  
Application No.: 09/975,036  
Filed: October 10, 2001  
Page 2

PATENT  
Attorney Docket No.: DIVER1280-17

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The filing fee has been calculated as shown below:

|  | Number<br>Filed |   | Number<br>Extra |   | Rate            |                 | Fee             |                 |
|--|-----------------|---|-----------------|---|-----------------|-----------------|-----------------|-----------------|
|  |                 |   |                 |   | Small<br>Entity | Other<br>Entity | Small<br>Entity | Other<br>Entity |
| Total Claims   | 217-20          | = | 197             | X | \$09            | \$18            | =               | \$1773.00       |
| Independent Claims   | 22-3            | = | 19              | X | \$42            | \$80            | =               | \$798.00        |
| Multiple Dependent<br>Claims Presented: ___ Yes <u>X</u> o |                 |   |                 |   | \$140           | \$260           |                 | \$140.00        |
|  |                 |   |                 |   | BASIC FEE       |                 | \$370.00        | \$              |
|  |                 |   |                 |   | TOTAL FEE       |                 | 3081.00         |                 |

Enclosed is a check in the total amount of \$3146.00 to cover the surcharge fee of \$65.00, \$1773.00 for the extra claims fee, \$798.00 for the independent claims fee, \$140.00 for the multiple dependent fee, and \$370.00 for the application filing fee. Also enclosed is a check in the amount of \$55.00 for the filing for the Petition for Extension of Time. The Commissioner is authorized to charge any additional fees or credit any overpayment, to Deposit Account No. 50-1355.

Respectfully submitted,

Date: February 15, 2002

By: Kelly Reynolds Reg. No. 32,643  
for: Kelly Reynolds  
Registration No. P51,154  
Telephone: (858) 638-6724  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/975,036         | 10/10/2001          | By M. Short           | DIVER1280-17           |

PATENT DOCKETING

NOV 20 2001

GRAYCARY/T.ELLIS

CONFIRMATION NO. 2400

FORMALITIES LETTER



\*OC00000007074411\*

Lisa A. Haile, Ph.D.  
Gray Cary Ware & Freidenrich LLP  
Suite 1100  
4365 Executive Drive  
San Diego, CA 92121-2189

Repln. Ref: 03/06/2002 SHINASS1 0010063200  
DRI:501355 Name/Number:09975036  
FC: 704 \$370.00 CR

Date Mailed: 11/15/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

03/06/2002 SHINASS1 00000038 09975036

FILED UNDER 37 CFR 1.53(b)

|           |            |
|-----------|------------|
| 01 FC:203 | 1773.00 OP |
| 02 FC:202 | 798.00 OP  |
| 03 FC:204 | 140.00 OP  |
| 04 FC:205 | 65.00 OP   |

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- Total additional claim fee(s) for this application is \$2711.

- \$1773 for 197 total claims over 20.
- \$798 for 19 independent claims over 3.
- \$140 for multiple dependent claim surcharge.

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 2776.

Adjustment date: 03/20/2002 YGIZAH  
03/06/2002 SHINASS1 00000038 09975036  
01 FC:203 -1773.00 OP  
02 FC:202 -798.00 OP  
03 FC:204 -140.00 OP

Repln. Ref: 03/20/2002 YGIZAH 0008133800  
DRI:501355 Name/Number:09975036  
FC: 704 \$2711.00 CR

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at

**For questions regarding compliance to these requirements, please contact:**

- A copy of this notice MUST be returned with the reply.***

PART 1 - ATTORNEY/APPLICANT COPY

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